

***Federal Railroad Administration & Union Pacific Railroad
Safety Assurance and Compliance Program Report
Executive Summary***

Introduction

The Federal Railroad Administration (FRA) has established an ultimate goal of “zero tolerance” for railroad accidents, injuries, and fatalities. In the summer of 1997, FRA became concerned about the safety performance of the Union Pacific Railroad (UP). UP experienced five major train collisions between June 22 and August 31 that resulted in the deaths of five employees and two trespassers. These tragic train accidents were in addition to a series of yard switching accidents that claimed the lives of four UP train service employees.

FRA had a number of UP safety initiatives already underway, including a regional train riding safety review. However, the collision which occurred on June 22 in Devine, Texas, prompted FRA to escalate safety assurance efforts by conducting a thorough investigation and analysis of UP dispatching practices. Based on what was learned through this investigation, FRA issued Safety Directive 97-1 to all railroads to ensure sound dispatching procedures and enhance the effectiveness of railroad operational testing and inspection programs.

As accidents continued to occur, FRA expanded and intensified its safety enforcement efforts on the UP. On August 23, FRA launched a comprehensive safety review of UP’s operations, under the auspices of the Safety Assurance and Compliance Program (SACP). In the ensuing 14-day period, as many as 80 Federal and State inspectors were on the UP property to determine the magnitude and extent of safety problems and recommend measures to address those problems. In November, following two non-fatal collisions, FRA sent another team of 87 Federal and state inspectors onto the UP for one week to ensure that the safety deficiencies identified in the initial review were being dealt with at the highest levels of the organization. In addition, an FRA program manager was placed in the UP Operations Center for continuous liaison.

As a result of the safety reviews, FRA concluded that UP lacked many safety initiatives which may have addressed or prevented many accidents and operational breakdowns on the system. FRA also concluded that a fundamental breakdown existed in some of the basic railroad operating procedures and practices essential to maintain a safe operation. The railroad did not appear to have a uniform safety culture and lacked an effective safety hierarchy. Safety policies, applauded by senior management, were not effectively implemented in the field by first line supervisors.

Under the SACP process, FRA’s safety concerns and recommendations were brought to the attention of senior UP management and labor. Realizing that a sound, effective railroad safety program would require the cooperation and commitment of all parties, six “working groups,” consisting of representatives from FRA and UP rail labor and management, began working to identify and address systemic safety problems. The six working groups are: (1) Crew Management System, (2) Train Dispatching, (3) Fatigue, (4) Training, (5) Culture, and (6) Inspections and Testing.

To address FRA's safety concerns, the UP agreed to develop Safety Action Plans, subject to FRA approval, based upon input and recommendations of the SACP working groups. FRA will monitor UP to ensure the Safety Actions Plans are properly implemented and are effective in enhancing the safety of UP's operations. The UP's Safety Action Plan, along with supporting attachments, are enclosed with this report.

Findings and Recommendations

Corporate Culture and the Importance of a Labor/Management Safety Partnership:

It is FRA's judgment that divergent cultures within the now merged UP and Southern Pacific (SP) Railroads played a key role in how UP approached railroad safety. While the goal of UP's senior management is to conduct rail operations in a safe environment, it appeared that field managers focused primarily on improving operational efficiency. Consequently, some employees on UP, at least for the short-term, were confused as to the direction they were required to take with respect to the safety of operations versus operational efficiencies.

UP is currently involved in several initiatives which FRA believes will reinforce a safety-centered culture. For example:

- UP has made changes in its management hierarchy to ensure accountability in the safety process, including requiring the chief safety officer to report directly to the President.
- Employee involvement in safety is being strengthened at every level of the organization. Through the SACP committees, employee representatives are involved in strategic direction of the safety process. A President's safety hotline and 33 local safety hotlines allow employees to make confidential reports of safety problems and concerns; callers who do not choose to remain anonymous are guaranteed follow up contacts.

Shortage of Transportation and Operating Personnel: FRA found that additional train and engine service crews were needed to fill vacancies caused by attrition and to meet the demands for increased service. Factors contributing to the crew shortage stemmed from the difficulty in anticipating when vacancies would occur, an apparent increase in traffic, and the long development time necessary to properly train and qualify train and engine service personnel.

To address this, UP instituted an unprecedentedly aggressive hiring program that is two to three times the rate of hiring which occurred during the previous four years.

- UP hired 3,800 employees in 1997, including 800 train and engine service personnel and 46 dispatchers; in 1998, they are projecting to hire between 4,300 and 4,800 additional employees in various disciplines, including 1,200 to 1,500 trainmen.
- UP established a Workforce Planning Team charged with improving all aspects of

workforce management including planning, hiring, training and utilization. Employee attrition levels have been projected through the year 2015 in order to anticipate future hiring and training needs. An important new element in the planning process is sharing hiring plans with employees and using their input as a “reality check..”

Crew Utilization and Fatigue Abatement: FRA determined that problems in crew management and utilization have contributed to problems of fatigue, overwork, and poor morale among train crews, which in turn, undermines the mental acuity and judgment that is necessary for safe train handling.

UP has committed to developing a comprehensive fatigue countermeasures program, including measures that are unprecedented in the railroad industry. Some key measures include:

- Modification of the guaranteed time off policy for train crews to permit one day off after seven consecutive days worked. This is an interim policy which was initiated by an agreement between UP President Jerry Davis and FRA Administrator Jolene M. Molitoris.
- UP committed to adopt the recommendations of the SACP safety teams to improve the train lineup system and improve crew utilization. These measures will help eliminate excessive deadheading time and reduce the unpredictability of work assignments.
- UP also appointed a Director of Alertness Management and has retained a leading fatigue countermeasures consulting company which has developed fatigue programs for the U.S. space program. The company has committed to developing a comprehensive fatigue countermeasures program, which involves educational, technological, crew scheduling, health, science, and cultural issues.

Inefficient and Unsafe Practices at the Harriman Train Dispatching Center (HDC): FRA observed inefficient and unsafe practices by Supervisors and Dispatchers at the HDC, which can be attributed to lack of training and extreme work overload. It was FRA’s judgement that UP evaluate the workloads of dispatchers, realigning the workloads of existing dispatcher positions and creating additional dispatcher positions to relieve excessive workloads.

With the help of input and analysis from FRA and the SACP committee, UP has taken several significant steps to enhance the safety of dispatching operations.

- Eleven positions have had workload reductions; two additional positions have been created, and 33 dispatchers have been hired since September. A Workload Team is continuing to address workload balancing, and the process will be ongoing to manage temporary fluctuations in traffic.

Supervisory Staffing and Operational Compliance: FRA found that supervisors' workloads prevented them from effectively monitoring and evaluating their employees' performance; this is particularly true in train and engine service. FRA believes that this lack of supervisory oversight contributes to a breakdown in the safety process, because supervisors may not verify employee knowledge and application of current rules, revisions, local speed restrictions, and system instructions for the territories in which they operate.

UP's Action Plan outlines specific measures to improve supervision and ensure compliance with safety directives. The Safety Action Plan would:

- Identify appropriate supervisory and managerial staffing levels within the operating departments and developing a hiring schedule to ensure that sufficient levels of supervision are maintained.
- Ensure that each UP employee whose job is governed by the operating rules attends a mandatory operating rules class within the next 12 months.
- Ensure that all employees whose jobs require operation of moving equipment receive necessary training for each piece of equipment they are expected to use.
- Seek implementation of an electronic Hours of Service record-keeping system that has been developed in conjunction with FRA. By reconciling time keeping and Hours of Service records, the new UP records system should be the most accurate in the industry.
- Ensure compliance with requirements for locomotive engineer certification, operational observation, and efficiency testing, and ensure that train crews receive sufficient qualifying runs over unfamiliar territories.

Mechanical Inspections: FRA found defects on a high percentage of the locomotives inspected during the system-wide review. While not all defects represented significant safety hazards, the overall findings indicated that locomotives were not being properly inspected and, in many instances, defective locomotives were being used in service.

UP has developed a Safety Action Plan that establishes a quality control process for mechanical inspections and maintenance. The plan includes:

- Development of a quality control program to monitor testing, inspection, and maintenance of freight equipment.
- A structured training program, which will help employees achieve the necessary level of competence to properly perform mechanical inspections and maintenance.

Harassment and Intimidation: During the initial audit, FRA inspectors heard numerous allegations by UP employees that they had been harassed and intimidated by railroad managers when they delayed train movements to comply with safety regulations. While specific instances of harassment were difficult to prove, the very perception of such behavior can have a chilling effect on fostering a culture of safety in the railroad environment.

- UP President Jerry Davis, in concert with railroad labor, announced an employee empowerment policy stating, “No employee shall be required to perform any unsafe act...” and “...No employee shall be disciplined, discriminated against, or harassed as a result of their decision to empower themselves regarding safety issues that directly compromise personal safety.”
- UP adopted three key discipline policy modifications, recommended by the SACP working group, to prevent harassment and intimidation of employees.

Control of Alcohol and Drug Use: The elimination of drugs and/or alcohol by covered service employees is of the utmost importance in maintaining a railroad’s safety. FRA conducted a review of UP’s Drug and Alcohol (D&A) program from October 20-24, 1997. Generally, FRA found that UP’s program itself was in compliance with Federal regulations. However, FRA identified several significant issues with respect to program implementation.

UP’s developed a Safety Action Plan that includes:

- Post-Accident D&A testing program enhancement such as updated training and guidance documents, and periodic audits to ensure the programs for effectiveness.
- Auditing the Pre-Employment D&A testing program to ensure that all management employees who perform “covered” service have been tested, and that the test results are documented.
- Ensuring that random testing is occurring in an unpredictable manner throughout the duty period.

Conclusion

While FRA is encouraged by UP’s initial progress in addressing the safety concerns identified during the safety review, meaningful safety improvements will require a dedicated partnership between labor and management, careful planning, and a sustained commitment of resources and personnel. FRA believes that UP’s safety and service problems have been inextricably linked, and that both of these issues must be tackled in tandem. An effective solution to the railroad’s safety and service problems will require a firm and prolonged commitment from all levels of UP’s management and the cooperation of UP’s employees and their labor organizations. It is evident that seeds of commitment and cooperation have been sewn to propagate a culture of

safety partnership on UP. It will be incumbent upon the parties to follow through with these commitments and to dedicate the necessary resources to implement the changes that are necessary to maintain safe and efficient rail service. It is FRA's role to continue to exercise strong leadership and direction over the safety partnership process. FRA also will continue to monitor the progress of the safety partnership process and will not hesitate to employ whatever means are necessary to ensure the safety of UP's rail operations.